

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

2020 JAN -2 P 1:43

ERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

UNITED STATES OF AMERICA

v.

Case No. 1:19-mj-515

HON LAM LUK,

*Defendant.*

**CONSENT MOTION TO EXTEND TIME FOR INDICTMENT**

The United States of America, by and through its attorneys G. Zachary Terwilliger, United States Attorney for the Eastern District of Virginia, and Bibeane Metsch and Jay V. Prabhu, Assistant United States Attorneys, with the express consent of the defendant Hon Lam Luk, and the defendant's counsel, respectfully moves the Court to extend the time to indict this case through and including February 7, 2020. No prior motion to extend has been filed. In support thereof, the parties state as follows:

1. The defendant was arrested on December 9, 2019 on a criminal complaint charging him with conspiracy to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846. On December 9, 2019, the defendant made his initial appearance in the Eastern District of Virginia. Steven David Stone was retained to represent the defendant. On December 12, 2019, a preliminary hearing and detention hearing were held and the Court found probable cause to support the criminal complaint and detained the defendant.

2. The Speedy Trial Act requires that the defendant be indicted within thirty days of the defendant's arrest after subtracting all excludable time. *See* 18 U.S.C. §§ 3161 *et seq.* The government's estimate of the date by which the Speedy Trial Act requires the filing of an indictment in this case is January 8, 2020.

3. The government is preparing to provide pre-indictment discovery, and anticipates the parties discussing the possibility of a pre-indictment plea. However, additional time is needed to allow counsel to review discovery and conduct further investigation. Additional time would be in the interests of justice in that it would give the parties additional time to review the discovery materials and engage in plea discussions, while accommodating the schedule of the grand jury, particularly in light of the holidays in late December and early January.

4. The parties jointly request an extension of the time to indict of 30 days. The defendant hereby agrees to waive any objections under the Speedy Trial Act and to extend the government's time to file an indictment in this case through and including February 7, 2020. The waiver is made knowingly, intentionally, and voluntarily by the defendant, and with full knowledge of the provisions of the Speedy Trial Act, Title 18, United States Code, Sections 3161, *et seq.*, and with the advice and consent of counsel.

5. The defendant expressly understands that his waiver is not predicated upon any promises, agreements, or understandings of any kind between the government and the defense in this case, and that nothing contained herein shall be construed to preclude the government from proceeding against the defendant during or after the time period covered by this waiver.

WHEREFORE, the parties request that the time to indict this case be extended to and including February 7, 2020 and that the delay resulting from this extension be excluded in

computing the time within which an indictment must be filed pursuant to Title 18, United States Code, Section 3161(h).

Respectfully submitted,

G. Zachary Terwilliger  
United States Attorney

Date: January 2, 2020

By: 

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Bibeane Metsch  
Jay V. Prabhu  
Assistant United States Attorneys


Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all my rights with respect to a speedy trial, including my right to be charged by indictment within 30 days of arrest, as required by Title 18, United States Code, Section 3161(b). I have read this motion for an extension of time to be charged by indictment, and carefully reviewed every part of it with my attorney. I understand this motion and voluntarily agree to it.

Date: 12/31/19

  
\_\_\_\_\_  
HON LAM LUK  
Defendant

Defense Counsel's Signature: I am counsel for the defendant in this case. I have fully explained to the defendant the defendant's right to be charged by indictment within 30 days of arrest. Specifically, I have reviewed the terms and conditions of Title 18, United States Code, Section 3161(b), and I have fully explained to the defendant the provisions that may apply in this case. To my knowledge, the defendant's decision to agree to an extension of time to be charged by indictment is an informed and voluntary one.

Date: 12/31/19

  
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Steven David Stone  
Counsel for HON LAM LUK